



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY 06 2013

Ref: EPR/N

Mr. Matt Marsh
Upper Great Plains Regional Office
Western Area Power Administration
P.O. Box 35800
Billings, MT 59107-5800

Re: Wilton IV Wind Energy Center
Draft Environmental Impact Statement
CEQ # 20130067

Dear Mr. Marsh:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Wilton IV Wind Energy Center (Wilton IV) Draft Environmental Impact Statement (Draft EIS) prepared by the U.S. Department of Energy Western Area Power Administration (Western). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. It is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project, which includes a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

Based on the EPA's procedures for evaluating potential environmental impacts on proposed actions and the adequacy of the information present, the EPA is rating the proposed action LO (Lack of Objections). A full description of the EPA's rating system is included as an enclosure.

PROJECT DESCRIPTION

NextEra Energy Resources, LLC (NextEra) is proposing to expand its wind turbine generation facilities 12 miles north of Bismarck in Burleigh County, North Dakota. Proposed Wilton IV project components are: (1) 62 wind turbines with a total rated capacity of 99 megawatts (MW); (2) 24.6 miles of 36-foot-wide, all weather access roads to each turbine site; (3) underground electrical collection lines from each turbine; (4) fiber optic communications cables from each turbine; (5) up to two meteorological towers; and (6) a collection substation and a 240-foot overhead 230-kilovolt tie-line that would interconnect with

Western's power transmission system. The proposed project is located immediately adjacent to three recently constructed facilities – Wilton Wind I with 33 turbines built in 2007, Wilton Wind II with 33 turbines in 2009, and Baldwin Wind Energy Center with 64 turbines in 2010. The Wilton IV project is located on private land, mostly agricultural.

Western's Federal actions are to execute an interconnection agreement for the Wilton IV project and to approve NextEra's request to lift the administrative 50 average annual MW cap on the existing wind projects in the area and to modify their existing contracts to reflect this change. The project's purpose is to provide renewable energy to meet the region's energy requirements and North Dakota's voluntary renewable portfolio objectives.

General Comments

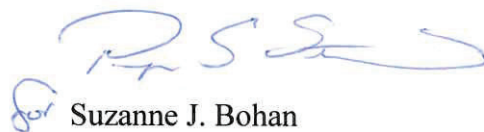
The key issues identified in EPA's scoping comment letter dated August 31, 2011, were (1) impacts associated with overall surface disturbance, (2) impacts on wetlands and riparian areas, and (3) water quality impacts to surface water and groundwater resources. The environmental protection measures proposed by NextEra in Section 2.3.10 have addressed most of these concerns. For example, NextEra has committed to documenting noxious weeds during routine inspections and implementing measures to remove, control the spread of noxious weeds and revegetate with regionally native species throughout the life of the project.

Regarding wetlands, the Draft EIS states on page 3-18 that no permanent impacts to wetlands or waters of the U.S. are anticipated, but there will be temporary impacts to 1.3 acres of jurisdictional wetlands and 0.01 acres of non-jurisdictional wetlands during trenching for collection line installation. This statement was based on wetland delineations of the project area performed between 2009 and 2012. Eight potentially jurisdictional features were identified within the project area. No determination has been made by either the U.S. Army Corps of Engineers (Corps) or the EPA, the agencies responsible for determinations of jurisdictional features. The EPA recommends that Western contact Daniel Cimarosti, Regulatory Program Manager, North Dakota Regulatory Office, Omaha District of the Corps at 701-255-0015 to request a jurisdictional determination to verify assumptions made in this Draft EIS regarding the applicability of Nationwide Permit 12 and notification and mitigation thresholds. Furthermore, if the determination is made by the Corps that these are jurisdictional wetlands, the EPA recommends that NextEra use horizontal drilling for most wetlands to reduce wetlands impacts.

Finally, the water quality issues raised by the EPA have been addressed in this Draft EIS. NextEra will obtain a stormwater runoff permit from the state health department prior to construction and develop a stormwater pollution prevention plan to ensure that surface water would not be adversely affected by runoff from areas disturbed during construction.

Thank you for your thoughtful consideration of EPA's scoping comments and the opportunity to provide comments on the Wilton IV Wind Energy Center Draft EIS. If you have any questions or would like to discuss our comments or rating, please contact me at 303-312-6925 or Carol Anderson of my staff at 303-312-6058.

Sincerely,



Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure:
EPA's Rating System

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO -- Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC -- Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO -- Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU -- Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 -- Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 -- Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 -- Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

